

after-Final response was entered and, accordingly, the grounds for this rejection are not understood. Clarification is requested respectfully.

Claims 1-24 were rejected under 35 U.S.C. 103 as being unpatentable over Grube (US patent 6,031,455) for reasons set forth in the Action. Reconsideration of this rejection is requested in view of the submission of a Declaration under 37 C.F.R. 1.131 executed by the inventors of the invention claimed in the present application.

It is noted that Grube issued on February 29, 2000, this date being after the filing date March 5, 1999 of the present application. Accordingly, Grube is available as a reference under 35 U.S.C. 102(e)/103 with the effective date of February 9, 1998 which is the US filing date of Grube. The present application claims priority, under 35 U.S.C. 119, of a Finnish application (application number 980538) filed March 9, 1998, which date is one month after the Grube filing date.

Finland is a WTO country, and 35 U.S.C. 104 permits activity in a WTO country to be used to establish a date of invention, thereby to show conception and diligence relating to the present invention. The filing of a patent application is considered as a constructive reduction to practice of the invention. Herein, there is the filing of the patent application in Finland followed by a filing of the patent application in the United States, the latter filing being within the convention year, and claiming priority in the Finnish application.

Accordingly, there is need to show conception and diligence only during a critical period of one month, namely, from a point in time prior to the Grube filing date of February 9, 1998 until the filing date in Finland of March 9, 1998.

Presented herewith is a Declaration under 37 C.F.R. 1.131 executed by the inventors Pekka Heinonen and Harri Okkonen named in the present application. The declaration states that a description of the present invention, as set forth in the claims of the present application, is present in the text and figures of the Finnish application, and was present from a time prior to the Grube filing date. It is urged that this proves conception at a point in time prior to the Grube filing date.

Further, the declaration states that Folke Johansson, who works in the Intellectual Property Rights department of Nokia in Finland, attended to the performance of tasks relating to the filing of the Finnish application, and that these tasks were performed during the period extending from a time prior to February 9, 1998 until March 9, 1998. As is well known, such tasks involve the preparation of documents to be signed by the inventors, and activity relating to obtaining the signatures of the inventors. However, the declaration notes that Folke Johansson was also engaged in the adding of further details of the technical implementation of the invention and the drafting of new claims describing the invention. It is urged that this proves diligence from a point in time prior to the Grube filing date until the filing of the Finnish patent application.

The Finnish patent application and its English translation were filed previously at the United States Patent and Trademark Office and, accordingly, are believed to be in the hands of the examiner. Therefore, they are not included as exhibits accompanying the declaration.

Therefore, based on the material in the Finnish patent application describing the present invention, and based on the dates and time frame of activity in Finland established in the declaration, it is concluded that conception of the invention claimed in the present application occurred prior to the Grube filing date, and that the conception has been followed by diligence until the constructive reduction to practice of the invention in the filings of the Finnish and United States patent applications.

Since the rejection under 35 U.S.C. 103 is based only on the teaching of Grube, the submission of the present Declaration under 37 C.F.R. 1.131 is believed to overcome this ground of rejection so as to secure allowance of the claims.

A typographical error has been noted in the filing receipt for this application. The last name of the second inventor is Okkonen (not Okkome, as set forth in the filing receipt). It is requested that the records of the Patent and Trademark Office be corrected to show the correct spelling of this name.

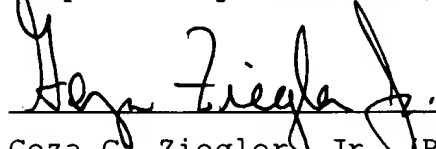
The foregoing response is believed to meet all the points raised by the Examiner so as to place the claims in condition for allowance. If any of the matters raised in the

Action or any further matters have not been adequately resolved by this amendment, a telephone interview between Applicant's representative and the Examiner is requested in order to resolve any such outstanding matters.

It is submitted respectfully that all the claims are now in condition for allowance in that they patently distinguish over the art. Accordingly, a favorable action indicating such condition is earnestly solicited.

Enclosed please find a check in the amount of \$110 for a one month extension of time. Please charge deposit account No. 16-1350 for any fee deficiencies with regard to the filing of this communication or credit any overpayment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr. (Reg. No. 44,004)

Perman & Green, LLP
425 Post Road
Fairfield, CT 06430
(203) 259-1800
Customer No.: 2512

5/22/02

Date

CERTIFICATE OF MAILING

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner of Patents, Washington, DC 20231.


Name of Person Making Deposit

5/22/02
Date